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DOCKET NO. D-2011-023-1

DELAWARE RIVER BASIN COMMISSION

**Reading Alloys, Inc.
Groundwater and Surface Water Withdrawal
Heidelberg and South Heidelberg Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Entech Engineering on behalf of Reading Alloys, Inc. (RAI) to the Delaware River Basin Commission (DRBC or Commission) on December 27, 2011 for an allocation of groundwater and surface water and review of a groundwater and surface water withdrawal project (Application).

The Application was reviewed for inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on September 12, 2012.

A. DESCRIPTION

1. Purpose. The purpose of this project is for approval of an existing groundwater and surface water withdrawal project to supply the docket holder's manufacturing plant with up to 0.57 mgm of groundwater from existing Well Nos. 3 and 4 and 14.5 mgm of surface water from existing Intake No. 1. Groundwater withdrawals are used for potable and domestic water and surface water withdrawals are used for industrial cooling purposes. Intake No. 1 withdraws water from an existing on-site pond.

2. Location. The project is located in the Spring Creek Watershed, a tributary to Tulpehocken Creek in Heidelberg and South Heidelberg Townships, Berks County, Pennsylvania. Spring Creek is classified by the Pennsylvania Department of Environmental Protection (PADEP) as supporting Cold Water Fishes (CWF). The project wells are completed in the Richland Formation limestone and dolomite.

Specific location information has been withheld for security reasons.

3. **Area Served.** All groundwater and surface water withdrawals serve only the RAI facility. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** RAI manufactures high-purity metals and alloys at its Robesonia facility. NCCW for the RAI facility is diverted from an unnamed tributary to Spring Creek by a diversion dam that directs water from the stream to an on-site, man-made, 2.29 million gallon (mg) capacity pond known as the Upper Pond. Upper Pond overflow re-enters the Unnamed Tributary to Spring Creek 240 feet below the diversion dam. NCCW for the facility's processes is pumped from and discharged to this pond. Discharged NCCW comingles with stream water and available stormwater in the pond and as the pond reaches its capacity, water overflows back into the Unnamed Tributary to Spring Creek.

Shortly after the flow from the Upper Pond is reintroduced into the unnamed tributary to Spring Creek, the stream enters a concrete pipe/culvert that passes under a portion of the docket holder's facility for approximately 420 feet before day lighting. The stream then flows northeastward off on the property toward Spring Creek.

RAI records an existing average and maximum surface water demand of 0.298 million gallons per day (mgd) and 0.426 mgd, respectively. RAI projects the 10-year average and maximum surface water demand to increase to 0.342 mgd and 0.490 mgd, respectively. The allocation of 0.469 mgm or 14.5 mgm should be sufficient to meet the future surface water demands of RAI.

Groundwater withdrawals from Well Nos. 3 and 4 are used for potable and domestic water purposes at the RAI facility. RAI records an existing average and maximum groundwater demand of 0.006 million gallons per day (mgd) and 0.016 mgd, respectively. RAI projects the 10-year average and maximum groundwater demand to increase to 0.007 mgd and 0.019 mgd, respectively. The allocation of 0.018 mgd or 0.57 mgm should be sufficient to meet the future groundwater demands of RAI.

b. **Facilities.** The existing project wells and intake have the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
3	600 feet	20' / 6"	25 gpm	1984
4	640 feet	20' / 6"	25 gpm	1984

INTAKE NO.	WITHDRAWAL WATER BODY	PUMP CAPACITY	STORAGE CAPACITY	YEAR CONSTRUCTED
1	Upper Pond	0.24 mgd	2.29 mg	1984

Withdrawals from the wells and surface water intake are metered.

Prior to entering the distribution system, the water is treated with chlorination and phosphate.

The project wells are located outside of the 100-year flood elevation.

The water system is not presently interconnected with any other water system.

c. **Other.** Domestic wastewater is conveyed to on-site septic systems. Non-contact cooling water is discharged to the Lower Pond located on-site. This discharge was most recently approved by DRBC Docket No. D-1979-044-2 on September 21, 2011. The PADEP issued its most recent NPDES Permit No. PA0070050 on March 14, 2011 for this discharge facility.

d. **Cost.** This is an existing facility. There are no costs for this project.

B. **FINDINGS**

Passby Flow

The unnamed tributary to Spring Creek from which NCCW is diverted is an intermittent stream that has been known to run dry during the summer months of the year. During low stream flow periods little or no water enters or discharges from the Upper Pond. At the project site, the intermittent stream has an estimated seven-day low flow with a recurrence interval of ten years (7Q10) of 0.025 mgd (0.0394 cfs). The diversion from the unnamed tributary of Spring Creek to the Upper Pond must not cause streamflow in the Creek to be less than 0.025mgd (0.0394 cfs) below the intake. The diversion shall be constructed to allow at least 7Q10 or inflow at the point of diversion to pass the diversion at all times. When streamflow is less than 7Q10 at the diversion, no diversions shall be made to the Upper Pond and the entire natural streamflow must be allowed to pass. Within six months of the date of approval of this Docket, the docket holder shall submit an Operation Plan, subject to approval by the Executive Director of the DRBC, which shall include a means to comply with the passby flow as described in Condition C.g. in the DECISION Section.

Surface Water Charges

DRBC Entitlement No. 242 entitles RAI to withdrawal 0.065 million gallons per month (0.003 mgm consumptive use and 0.062 mgm non-consumptive use) from the unnamed tributary to Spring Creek without surface water charges. The docket holder shall pay for surface water use in excess of 0.003 mgm consumptive use and 0.062 mgm non-consumptive use from the unnamed tributary to Spring Creek water diversion in accordance with the provisions of Resolution No. 74-6, as amended as described in Condition C.h. in the DECISION section

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

The Docket Holder estimates that the project surface water withdrawal, used for the purpose of NCCW results in a consumptive use of 25 percent of the total water use. The DRBC estimates that the project groundwater withdrawal, used for the purpose of domestic water supply results in a consumptive use of 10 percent of the total groundwater use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

Effective on the approval date for Docket No. D-2011-023-1 below, the project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. The docket holder shall register with and report to the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the combined withdrawal from all well sources shall not exceed 0.57 million gallons. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
3	25 gpm	0.30 mgm
4	25 gpm	0.27 mgm

e. During any month, the withdrawal from Intake No. 1 shall not exceed 14.5 million gallons.

f. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

g. The diversion from the unnamed tributary to Spring Creek to the Upper Pond must not cause streamflow in the Creek to be less than 0.025mgd (0.0394 cfs) below the intake. The diversion shall be constructed to allow at least 7Q10 or inflow at the point of diversion to pass the diversion at all times. When streamflow is less than 7Q10 at the diversion, no diversions shall be made to the Upper Pond and the entire natural streamflow must be allowed to pass. Within six months of the date of approval of this Docket, the docket holder shall submit an Operation Plan, subject to approval by the Executive Director of the DRBC, which shall include a means to comply with the passby flow.

h. The docket holder shall pay for surface water use 0.003 mgm consumptive use and 0.062 mgm non-consumptive use in accordance with the provisions of Resolution No. 74-6, as amended.

i. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of monthly withdrawals shall be maintained, and monthly totals shall be reported to the PADEP at least annually and shall be available at any time to the Commission if requested by the Executive Director.

j. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

k. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

l. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

m. The docket holder shall implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

n. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

o. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

p. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

q. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

r. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

s. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

t. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

u. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of

wells or surface water supplies of the docket holder's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

v. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

w. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

x. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

y. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: September 12, 2022